

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

CIV 05-0974 LH/LAM
CR 01-1309 LH

DANNY RAY CERVANTES,

Defendant/Movant.

**ORDER DENYING MOTION REQUESTING THAT THE DEFENDANT[’S]
28 U.S.C. § 2255 MOTION FILED IN 2004 BE SEALED (Doc. 26)**

THIS MATTER is before the Court on Defendant/Movant’s *Motion Requesting That the Defendant[’s] 28 U.S.C. § 2255 Motion Filed in 2004 be Sealed (Doc. 26)*,¹ filed on June 25, 2010. Defendant Movant gives no grounds for his request to seal his *Motion Pursuant to 28 U.S.C. Motion 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1)*, other than stating that he is proceeding *pro se*. The Court reviewed Defendant/Movant’s *Motion Pursuant to 28 U.S.C. Motion 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1)* and finds no reason that it should be sealed. The Court, therefore, FINDS that Defendant/Movant’s motion to seal his Section 2255 motion is not well-taken and should be DENIED.

IT IS THEREFORE ORDERED that Defendant/Movant Cervantes’ *Motion Requesting That the Defendant[’s] 28 U.S.C. § 2255 Motion Filed in 2004 be Sealed (Doc. 26)* is DENIED.

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE

¹The Court notes that Defendant/Movant’s Section 2255 motion was filed September 9, 2005, not in 2004. See *Motion Pursuant to 28 U.S.C. Motion 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1)*.